

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

Valuation of Security

Assumption of Executory Contract or Unexpired Lease

Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

In Re:    **Carlos Benvenutti, Jr**  
              **Vernice L Tolliver-Benvenutti**

Case No.: **18-28608**  
Judge: **ABA**

Debtor(s)

**CHAPTER 13 PLAN AND MOTIONS**

Original  
 Motions Included

Modified/Notice Required  
 Modified/No Notice Required

Date: **5/31/19**

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

**The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

**THIS PLAN:**

DOES  DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

DOES  DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

DOES  DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney BJS Initial Debtor: C B Initial Co-Debtor VLT

### Part 1: Payment and Length of Plan

- a. The debtor shall pay \$3,950 to the Chapter 13 Trustee through May, 2019, starting on June 1, 2019 for approximately 52 months the Debtor shall pay \$955.00 to the Chapter 13 Trustee.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- Future Earnings  
 Other sources of funding (describe source, amount and date when funds are available): \_\_\_\_\_
- c. Use of real property to satisfy plan obligations:
- Sale of real property  
Description: \_\_\_\_\_  
Proposed date for completion: \_\_\_\_\_
- Refinance of real property:  
Description: \_\_\_\_\_  
Proposed date for completion: \_\_\_\_\_
- Loan modification with respect to mortgage encumbering property:  
Description: \_\_\_\_\_  
Proposed date for completion: \_\_\_\_\_
- d.  The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e.  Other information that may be important relating to the payment and length of plan: \_\_\_\_\_

### Part 2: Adequate Protection

NONE

- a. Adequate protection payments will be made in the amount of \$\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).
- b. Adequate protection payments will be made in the amount of \$\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_ (creditor).

### Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Brad J. Sadek, Esquire Internal Revenue Service	Attorney Fees Income Taxes	<b>\$2,955.00</b> \$18,629.05

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

None

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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#### Part 4: Secured Claims

##### a. Curing Default and Maintaining Payments on Principal Residence: NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Village Capital and Investment, LLC	2402 Brandies Avenue Cinnaminson, NJ 08077 Burlington County	26,561.62	Paid Directly	26,561.62	Paid Directly

##### b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

##### c. Secured claims excluded from 11 U.S.C. 506: NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

##### d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-							
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender  NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C. 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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**f. Secured Claims Unaffected by the Plan  NONE**

The following secured claims are unaffected by the Plan:

Creditor  
**Santander Consumer USA, Claim Number 4-1**

**g. Secured Claims to be Paid in Full Through the Plan  NONE**

Creditor	Collateral	Total Amount to be Paid through the Plan
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**Part 5: Unsecured Claims  NONE**

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- Not less than \_\_\_\_\_ to be distributed *pro rata*
- Not less than \_\_\_\_ percent
- Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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**Part 6: Executory Contracts and Unexpired Leases  NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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**Part 7: Motions  NONE**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).  **NONE****

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

**NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.  **NONE****

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- Upon Confirmation
- Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-Petition Claims**

The Standing Trustee  is,  is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification  NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: \_\_\_\_\_.

Explain below <b>why</b> the plan is being modified:	Explain below <b>how</b> the plan is being modified:
<b>Plan payments increasing to match IRS claim</b>	<b>Part 1(a) plan payments increasing to \$955</b>
<b>Include IRS Priority Claim (Claim is subject to change during the course of the bankruptcy, upon an amended claim filed by the IRS, the debtor will file a modified plan)</b>	<b>Listed in Part 3(a)</b>

Are Schedules I and J being filed simultaneously with this Modified Plan?  Yes  No

**Part 10 : Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

**NONE**

Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

**Signatures**

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 5/31/19

/s/ Carlos Benvenutti, Jr

Carlos Benvenutti, Jr

Debtor

Date: 5/31/19

/s/ Vernice L Tolliver-Benvenutti

Vernice L Tolliver-Benvenutti

Joint Debtor

Date 5/31/19

/s/ Brad J. Sadek, Esquire

Brad J. Sadek, Esquire

Attorney for the Debtor(s)

United States Bankruptcy Court  
District of New Jersey

In re:  
Carlos Benvenutti, Jr  
Vernice L Tolliver-Benvenutti  
Debtors

Case No. 18-28608-ABA  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
Form ID: pdf901

Page 1 of 2  
Total Noticed: 34

Date Rcvd: Jun 06, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 08, 2019.

db/jdb +Carlos Benvenutti, Jr, Vernice L Tolliver-Benvenutti, 2402 Brandies Avenue,  
Cinnaminson, NJ 08077-3519  
cr +Village Capital & Investment, LLC, 1040 N. Kings Highway. Suite 407,  
Cherry Hill, NJ 08034-1925  
517761644 +Apex Asset Management, Attn: Bankruptcy, 2501 Oregon Pike, Ste 201,  
Lancaster, PA 17601-4890  
517805807 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
517761648 +Dovenmuehle Mortgage Inc, PO Box 371306, Pittsburgh, PA 15250-7306  
517919813 ECMC, PO BOX 16408, ST. PAUL, MN 55116-0408  
517919814 ECMC, PO BOX 16408, ST. PAUL, MN 55116-0408, ECMC, PO BOX 16408,  
ST. PAUL, MN 55116-0408  
517761649 +I C System Inc, 444 Highway 96 East, P.O. Box 64378, St. Paul, MN 55164-0378  
517871643 +Larchmont Imaging, Apex Asset Management, LLC, PO Box 5407, Lancaster, PA 17606-5407  
517798311 +Nelnet on behalf of ASA, PO Box 16129, St. Paul, MN 55116-0129  
517761655 +Remex Inc, Attn: Bankruptcy, 307 Wall St., Princeton, NJ 08540-1515  
517819895 +SANTANDER CONSUMER USA, P.O. Box 560284, Dallas, TX 75356-0284  
517820720 +Santander Consumer USA, PO Box 961245, Fort Worth, TX 76161-0244  
517761656 +Santander Consumer USA, Attn: Bankruptcy, Po Box 961245, Fort Worth, TX 76161-0244  
517886990 +Village Capital & Investment, LLC, 1 Corporate Drive,Suite 360, Lake Zurich, IL 60047-8945  
517871640 +Virtua Health System WJ, Apex Asset Management, LLC, PO Box 5407,  
Lancaster, PA 17606-5407

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jun 06 2019 23:56:08 U.S. Attorney, 970 Broad St.,  
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jun 06 2019 23:56:06 United States Trustee,  
Office of the United States Trustee,, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
Newark, NJ 07102-5235  
517761645 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 07 2019 00:01:58 Capital One,  
Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285  
517824243 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 07 2019 00:01:58  
Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
517761646 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 06 2019 23:55:36 Comenity Capital/mprc,  
Po Box 182120, Columbus, OH 43218-2120  
518048107 +E-mail/Text: cio.bncmail@irs.gov Jun 06 2019 23:55:18 Department of Treasury,  
Internal Revenue Service, P O Box 7346, Philadelphia, PA 19101-7346  
517761647 +E-mail/Text: bankruptcynotices@dcicollect.com Jun 06 2019 23:56:43  
Diversified Consultants, Inc., Attn: Bankruptcy, Po Box 551268,  
Jacksonville, FL 32255-1268  
517761650 +E-mail/Text: bncnotices@becket-lee.com Jun 06 2019 23:55:06 Kohls/Capital One,  
N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-5660  
517826593 E-mail/Text: bkr@cardworks.com Jun 06 2019 23:54:47 MERRICK BANK,  
Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368  
517761651 +E-mail/Text: bkr@cardworks.com Jun 06 2019 23:54:47 Merrick Bank/CardWorks,  
Attn: Bankruptcy, Po Box 9201, Old Bethpage, NY 11804-9001  
517761652 +E-mail/Text: bankruptcypdt@mcmcg.com Jun 06 2019 23:56:06 Midland Funding,  
2365 Northside Dr Ste 300, San Diego, CA 92108-2709  
517866264 +E-mail/Text: bankruptcypdt@mcmcg.com Jun 06 2019 23:56:06 Midland Funding LLC,  
PO Box 2011, Warren, MI 48090-2011  
517761653 +E-mail/Text: electronicbkydocs@nelnet.net Jun 06 2019 23:56:11 Nelnet, Attn: Claims,  
Po Box 82505, Lincoln, NE 68501-2505  
517815562 +E-mail/Text: colleen.atkinson@rmscollect.com Jun 06 2019 23:57:07  
Patient First c/o Receivables Management Systems, PO Box 73810,  
North Chesterfield, VA 23235-8047  
517873854 E-mail/Text: bnc-quantum@quantum3group.com Jun 06 2019 23:55:55  
Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,  
Kirkland, WA 98083-0788  
517761654 E-mail/Text: colleen.atkinson@rmscollect.com Jun 06 2019 23:57:07 Receivable Management Inc,  
7206 Hull Rd, Ste 211, Richmond, VA 23235  
517885618 +E-mail/Text: bncmail@w-legal.com Jun 06 2019 23:56:19 SYNCHRONY BANK,  
c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132  
517766198 +E-mail/PDF: gecsedri@recoverycorp.com Jun 07 2019 00:01:46 Synchrony Bank,  
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
TOTAL: 18

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0312-1

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 34

Date Rcvd: Jun 06, 2019

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 08, 2019

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 31, 2019 at the address(es) listed below:

Brad J. Sadek on behalf of Joint Debtor Vernice L Tolliver-Benvenutti bradsadek@gmail.com, bradsadek@gmail.com  
Brad J. Sadek on behalf of Debtor Carlos Benvenutti, Jr bradsadek@gmail.com, bradsadek@gmail.com  
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Steven P. Kelly on behalf of Creditor Village Capital & Investment, LLC skelly@sterneisenberg.com, bkecf@sterneisenberg.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6